

have made toward the betterment of south Alabama.

INTRODUCTION OF THE TAXPAYER PROTECTION FROM FRIVOLOUS LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Physicians and Taxpayers' Protection from Frivolous Litigation Act. This bill provides protection from frivolous lawsuits for physicians in cases involving Medicare and Medicaid, and in cases where physicians are obligated to provide treatment under the Emergency Medical Treatment and Active Labor Act (EMTALA).

Among the legal reforms contained in this act are a loser pays rule providing for physicians to be reimbursed for costs incurred in defending against frivolous lawsuits; a tightening of statutes of limitations to ensure lawsuits are not just attempts to extort money for conditions that arose years after treatment was delivered; reforms of how putative damages are calculated in order to ensure the damages bear a relationship to the harm suffered, limitations on contingent fee contracts which encourage the filing of frivolous lawsuits, reforms to calculations of joint and several liability so a defendant is only liable for the harm he actually caused, and limitation of damages in cases where the plaintiff has already received compensation.

Frivolous lawsuits and the accompanying increase in malpractice insurance payments have driven many physicians out of medical practice. The malpractice crisis has further increased the cost of health care by forcing physicians to practice defensive medicine. While most malpractice reform issues are properly addressed at the state level, Congress does have a duty to act to protect physicians from frivolous lawsuits stemming from cases involving federally funded programs or federal mandates. After all, these programs already impose tremendous costs on physicians. For example, Medicare imposes so many rules and regulations on health care providers that the Medicare code is actually larger than the infamous tax code!

EMTALA imposes additional burdens on physicians. EMTALA forces physicians and hospitals to bear 100% of the costs of providing care to anyone who enters an emergency room, regardless of the person's ability to pay. According to the June 29, 2003 edition of AM News, emergency physicians lose an average of \$138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. A physician can be fined \$50,000 for a technical EMTALA violation.

The combined effect of excessive regulations, inadequate reimbursements, and the risk of being subjected to unreasonable malpractice awards is endangering the most vulnerable people's access to health care. I am aware of several physicians who have counseled young people not to enter the health care profession because of lawsuits, federal regulations, and low federal reimbursement rates. Other physicians are withdrawing from

the Medicare and Medicaid programs and cutting their ties with emergency rooms in order to avoid the EMTALA mandates. Protecting physicians from frivolous lawsuits who are participating in federal programs or acting to fulfill federal mandates is an important step in removing federally created disincentives to providing care to elderly and low income people. I therefore call upon my colleagues to stand up for health care providers, low income people, senior citizens, and taxpayers by cosponsoring the Physicians and Taxpayers' Protection from Frivolous Litigation Act.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 2679, Public Expression of Religion Act of 2005, and I urge my colleagues to join me in voting against it.

I take very seriously my duty to uphold the rights safeguarded for all citizens by the United States Constitution. Our founding fathers created a document that not only gives us a framework that we govern by even today but a document that sets forth the unalienable rights of all Americans. The legislation that passes Congress should be designed to protect these rights, not weaken them. Unfortunately, H.R. 2679 fails to meet this most basic test.

H.R. 2679 is not a bill that would protect the freedom of religion as its authors contend. In reality, by weakening the Establishment Clause of the First Amendment to the U.S. Constitution, it would have the opposite effect. Under current law, attorneys' fees are paid for by the defending party when the plaintiff is found to have had their constitutional rights violated under the Establishment Clause. By denying the payment of these attorneys' fees, even in successful cases, H.R. 2679 insulates serious constitutional violations from judicial review. Few citizens can afford to pay attorney fees that can total hundreds of thousands of dollars in these cases. In addition, attorneys cannot always take cases, even on a pro bono basis, if they are unable to recoup their fees and out-of-pocket costs when they prevail. By barring the awarding of attorneys' fees to prevailing parties in these cases, H.R. 2679 severely impairs the ability of our citizens to protect their constitutional rights.

Furthermore, the Establishment Clause is included in the Constitution to protect and promote religious freedom for all Americans. H.R. 2679 would for the first time single out one of the constitutional protections afforded in the Bill of Rights, and prevent its full enforcement. If the right to attorney's fees is taken away in these cases, a dangerous precedent would be set for the erosion of more civil liberties included in the U.S. Constitution. All of the rights in the Constitution are granted to every citizen of the United States, not just to those who can afford to pay for them. I urge you to oppose H.R. 2679, the misnamed "Public Expression of Religion Act."

IN REMEMBRANCE OF LAURETTA ZARLENGA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Laretta Lisa Zarlenga. A wife, mother, and grandmother, Laretta dedicated her life to her family.

Born in a small town in Italy in 1913, Laretta immigrated to the United States during the Great Depression as a teenager. Settling in Chicago, Laretta's family carved out their presence as a working class immigrant family. Learning quickly the skill of artistic hat design at night school, Laretta practiced her craft to support her constantly growing family. It was also at night school that she met her future husband, Dino, whereupon the two coincidentally chose the same topic for an essay assignment and subsequently discovered they came from neighboring villages in Italy.

Laretta went on to serve her Chicago community in the restaurant industry where she eventually managed several dining rooms at Chicago's premier establishments. Once, while running the dining room at the Drake Hotel, she accommodated a desperate Bob Hope and Bing Crosby, who had been denied entrance to another restaurant based on their attire. The two had been referred to Laretta by her brother, who said, "You give these guys good service." This story exemplifies the two strongest qualities for which we remember Laretta: service and family. Laretta's ability to always hospitably put others before herself stood out to anyone who knew her. As a mother of four, she modestly provided her children with any opportunities she could and supported them in all their endeavors. In this way, she truly accomplished her own American Dream.

Laretta Zarlenga's legacy continues to live on through her posterity. Laretta's inspiration and support of her family shows itself in the work of her children who include a lauded poet, successful restaurateur, and a notable scholar of monetary reform.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the accomplishments of Laretta Zarlenga. Her unwavering commitment to her family, friends, and community framed her life and served to make a difference in the lives of countless individuals.

A TRIBUTE TO THE JAZZ POWERHOUSE FOURPLAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the jazz supergroup, Fourplay, distinguished artists of the music industry. It behooves us to pay tribute to these outstanding artists and I hope my colleagues will join me in recognizing the group's impressive accomplishments.

Fourplay debuted with a splash in 1991. Their self-titled debut album sold more than one million copies and lodged for 33 weeks at